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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/707,549 | 12/20/2003 | John David Youngs | 04257 | 1548 |
| 23688 | 7590 | 11/26/2004 | EXAMINER | |
| Bruce E. Harang PO BOX 872735 VANCOUVER, WA 98687-2735 | | | CHENEVERT, PAUL A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3612 | |

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/707,549 | Applicant(s) YOUNGS ET AL. | |
| | Examiner Paul A. Chenevert | Art Unit 3612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/22/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 6-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20031220</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show how the optional springs (8, 80) cooperates with the storage bin (1) as described in the specification.
 - a. It is unclear where the spring retaining pins (9, 9) are attached. Are both pins attached to the sidewalls (3) of the storage bin as shown in Figure 2?
 - b. It is also unclear in Figures 8-10 where the spring retaining clip (81) is attached. Is the clip attached to the door trim (100) or is it attached to the sidewalls (3) of the storage bin (1)?

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

2. The drawings are objected to because of the following minor informalities:
 - a. The bosses (5) shown in Figures 8-10 are described in paragraph 32 as being mounted on the sidewalls (3) of the storage bin (1), yet appear in the figures to randomly move from the back (Fig 8) to the middle (fig 9) and then to the front (Fig 10). It is thought that the bosses (5) in Figures 9 & 10 should be redrawn as located near the rear of the sidewalls, as is properly shown in Figure 8.
 - b. The guide troughs (4) shown in Figures 8-10 are described in paragraph 32 as being mounted on the door trim (100), yet appear in the figures to randomly move with the bin (1). It is thought that the guide troughs (4) should be redrawn as permanently located as indicated in Figure 8.

Art Unit: 3612

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 4A in paragraph 25, line 19. The locking detent portion (4A) of the guide through (4) was shown in the informal drawings filed 20DEC03, but the “4A” reference numbers were removed in the replacement drawings filed 22APR04.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3612

Specification

5. The disclosure is objected to because of the following informalities:

- a. Paragraph 21, line 2, "I" should be changed to "in".

Appropriate correction is required.

Claim Objections

6. Claims 1-11 are objected to because of the following informalities: "a" should be changed to "an" before "articulated track" on line 7 of claims 1 & 6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 11-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the spring cooperates between the storage bin and the door trim (see drawing objections above).

Art Unit: 3612

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1 & 2 are rejected under 35 U.S.C. 102(b) as being anticipated by De Boer.

De Boer discloses an articulating storage compartment (wall pocket mounted in the wall of a vehicle) suitable for use in a door trim panel comprising: a storage bin having a front (closure 10), a back (inserted container 25 face), two sides (13), a closed bottom (above base member's bottom 4) and an open top, adaptable to be mounted in an opening in a door trim panel; each of said two sides having a guide boss (32) mounted into an articulating track (33) located on the base member, each of said two sides further having a rotational track (hole 12) into which a bottom of said storage guide boss (pintle 11) is mounted, thereby providing for the opening outward of said door trim panel and for closing inward of said door trim panel an articulating storage compartment. In regards to claim 2, the storage bin front has an access lip (top wall 26) located on the outer surface thereof.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3612

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Boer in View of Nichols.

De Boer discloses an articulating storage compartment as described above. However, De Boer does not expressly disclose that the articulating storage compartment is composed of injection molded plastics like polypropylene or ABS.

Nichols discloses an injection molded map pocket made from either polypropylene or ABS.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the articulating storage compartment of De Boer, to employ injection molded plastics, as taught by Nichols.

The suggestion/motivation for doing so would have been to inexpensively manufacture articulating storage compartments from plastic, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the articulating storage compartment by combining plastics with the storage bin structure to

Art Unit: 3612

obtain the invention as specified in claims 3 & 5, as taught by the prior references' motivation, and not hindsight from the applicants disclosure.

Allowable Subject Matter

14. Claims 6-10 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

15. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show or make obvious Applicant's storage bin having an articulated track with a locking portion toward the front.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

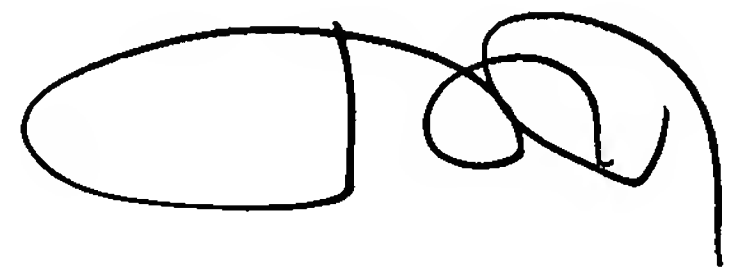
Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert
Examiner
Art Unit 3612

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11/20/07
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SUPERVISORY PATENT EXAMINER
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